

Public Notice

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Applicant: Published: February 1, 2019
Toledo, Expires: March 4, 2019
City of

Application No: LRB 2015-00436
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Regulatory Branch (Attn:) Brian Swartz
240 Lake Street, Unit D
Oak Harbor, Ohio 43449

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Toledo, City of

WATERWAY & LOCATION: Maumee Bay and Wetland A

LATITUDE & LONGITUDE: Latitude North: 41.700731
Longitude West: -83.47664

EXISTING CONDITIONS:

The project is located east of Summit Street, South of Cullen Park in Maumee Bay and in the 13.8 acre emergent/forested Wetland A (Sheets 1 of 6).

Description of delineation of waters of the US, if applicable: A Preliminary jurisdictional determination (PJD) was issued for the site on 19 November 2018 (Sheet 2 of 6). The project is located in Maumee Bay south of the Cullen Park Jetty and east of Summit Street in the City of Toledo. The PJD identified Wetland A and Maumee Bay.

PROPOSED WORK: The beneficial reuse of Maumee River dredged sediments from Confined Disposal Facility 3 to soften approximately 3,070 linear feet (LF) of existing shoreline and restore wetland habitat in Maumee Bay (Sheets 3 to 6 of 6). The project will require the placement of approximately 41,965 cubic yards of dried dredged materials and 13,773 CY of armor stone over approximately 9.91 acres including 4.88 acres of Wetland A and 5.03 acres of open water of Maumee Bay below the ordinary high water elevation of 573.4 International Great Lakes Datum (IGLD), 1985. An approximate 1,500 linear foot (LF) boardwalk (0.03 acre) is to be constructed on piers along the shoreline. Approximately, 850 LF of boardwalk will be constructed within the northern half of the project and 650 LF within the southern half of the project.

The proposed project consists of two fill areas. Approximately 35,968 cubic yards (CY) of dried dredge materials will be placed along the existing shoreline within approximately 4.88 acres of Wetland A and 3.66 acre open water habitat. The bottom elevation of Maumee Bay and Wetland A will be raised from approximately 571-574 IGLD, 1985 to 574-578 IGLD, 1985. Approximately, 4,358 CY of armor stone with coir logs will be placed to hold the dredge material along the shoreline including 926 CY in wetlands and 3,432 CY in the open water habitat.

The second fill area consists of seven habitat islands ranging in size from approximately 0.15 acre to 0.32 acre and totaling 1.37 acres to be constructed in the Maumee Bay. The islands are to be approximately 485 feet to 815 water-ward of where the existing OHW meets the current shoreline. The habitat islands will be constructed by placing approximately 5,997 CY of dredge material in geotextile tubes that will be covered with approximately 9,415 CY of armor stone.

PROJECT PURPOSE

Basic: Shoreline protection and wetland restoration.

Overall: Shoreline protection and the beneficial re-use of dredged materials from Maumee Bay.

Water Dependency Determination:

The project does not require access or proximity to or siting within wetlands to fulfill its basic purpose. Thus, it is not a water dependent activity and practicable alternatives that do not involve wetlands, or other special aquatic sites, are presumed to be available unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION:

The project was originally proposed to impact 5.33 acres of Wetland A and 5 acres of open water (Alternate 1). The overall wetland impacts were reduced to 4.88 acres but open water impacts were increased to 5.03 acres (Alternate 2).

PROPOSED MITIGATION:

No mitigation has been proposed as the project will recreate the 4.88 acres of Wetland A that will be filled and convert 5.03 acres of shallow open water habitat to wetlands (total of 9.91 acres).

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Brian Swartz, who can be contacted at the above address, by calling (419) 898-3491, or by e-mail at: brian.p.swartz@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605
phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Pursuant to Section 106 of the National Historic Preservation Act, the Corps of Engineers is consulting, under separate cover, with the Ohio Historic Preservation Office (SHPO) to evaluate any potential impacts to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 3 of 6. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Karner blue butterfly (*Lycaeides melissa samuelis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), rayed bean (E), eastern prairie fringed orchid (*Plantanthera leucophaea*), rufa red knot (*Calidris canutus rufa*) and eastern massasauga (*Sistrurus catenatus*), and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the

destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Date Saved: 1/19/2017 2:22:02 PM

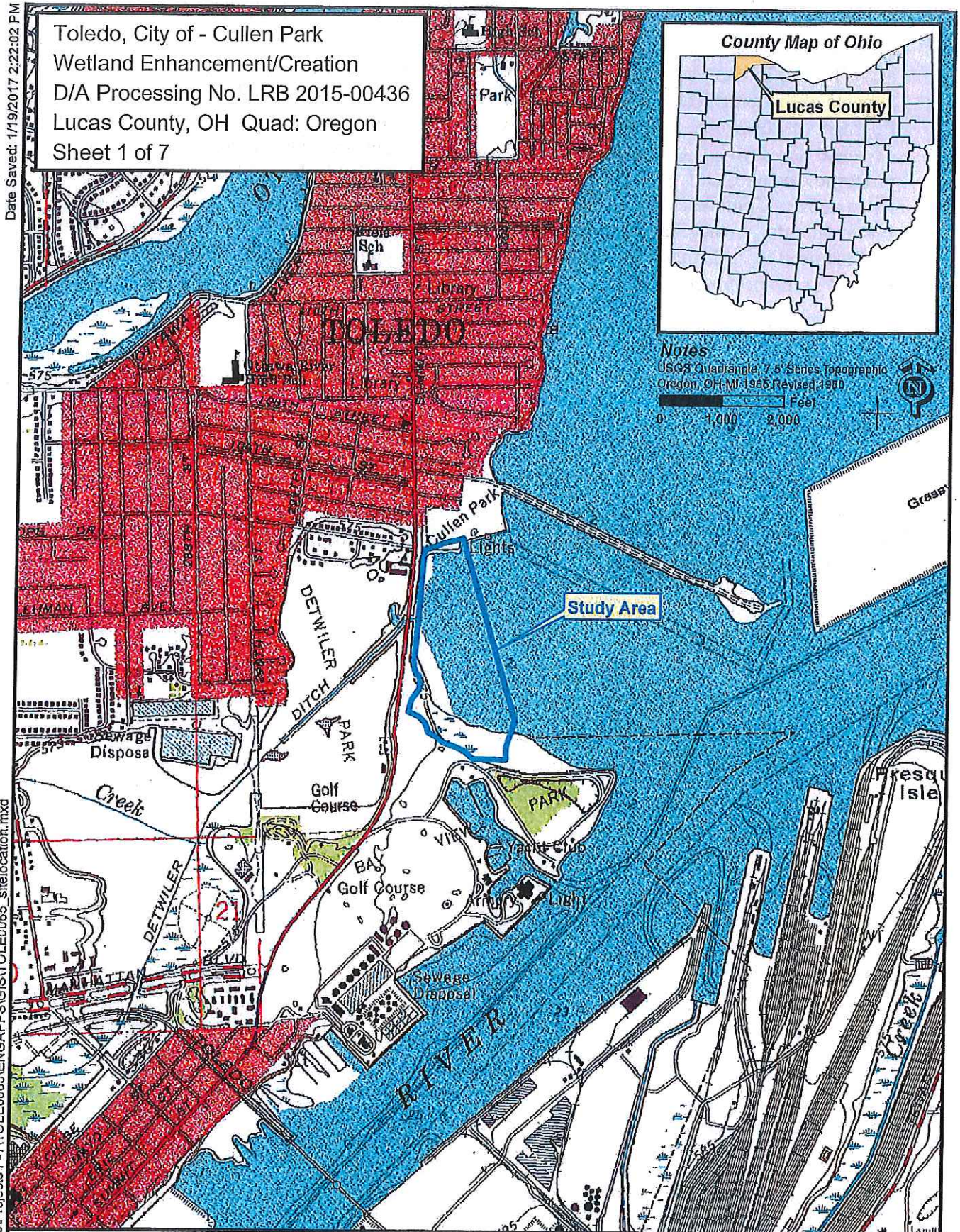
Toledo, City of - Cullen Park
Wetland Enhancement/Creation
D/A Processing No. LRB 2015-00436
Lucas County, OH Quad: Oregon
Sheet 1 of 7



Notes

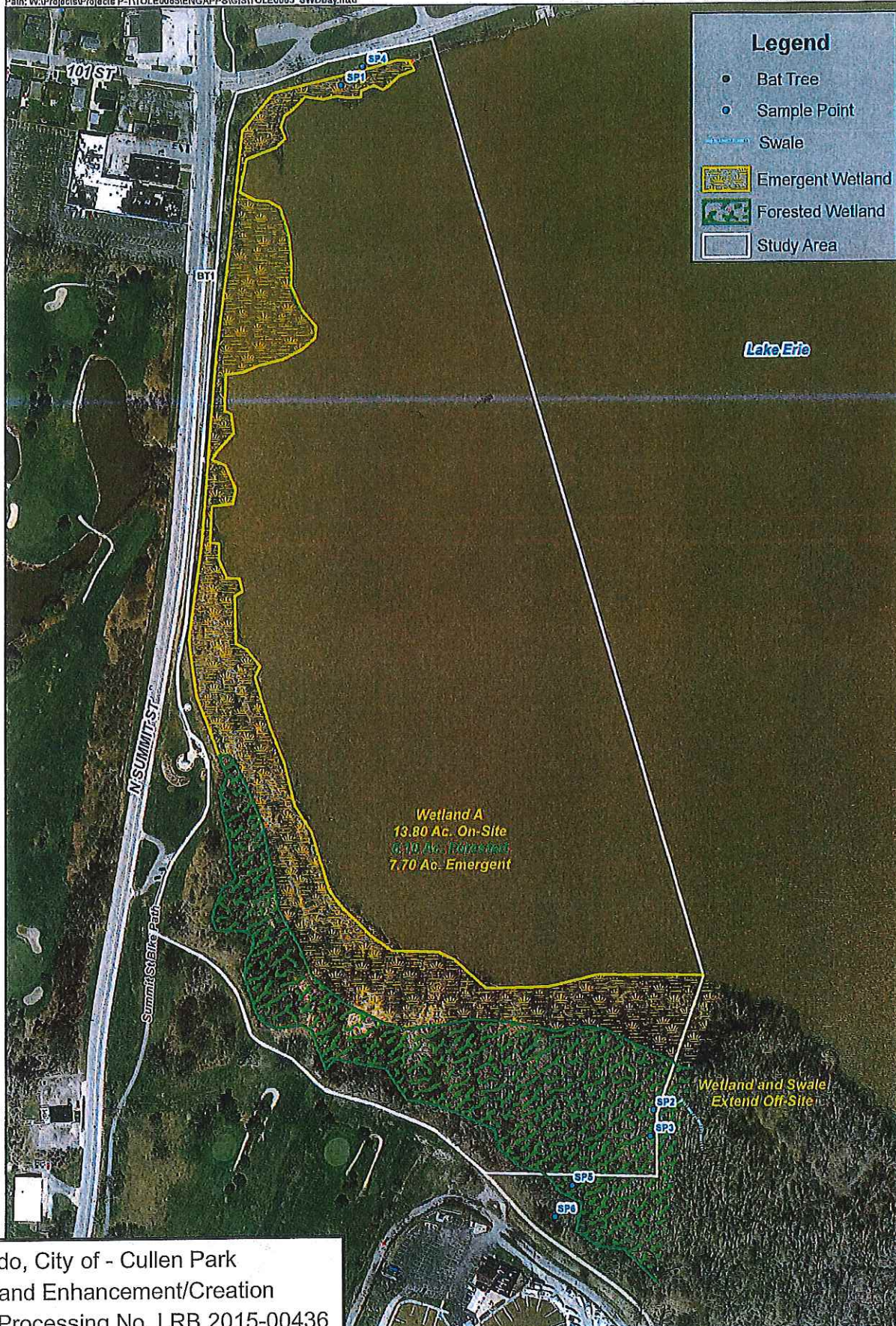
USGS Quadrangle, 7.5 Series Topographic
Oregon, OH-M-1966 Revised 1980

0 1,000 2,000 Feet



TECHNICAL SKILL.
CREATIVE SPIRIT.

Figure 1: Site Location
Cullen Park Wetland Restoration Design Project
Toledo, Ohio



Toledo, City of - Cullen Park
Wetland Enhancement/Creation
D/A Processing No. LRB 2015-00436
Lucas County, OH Quad: Oregon
Sheet 2 of 7

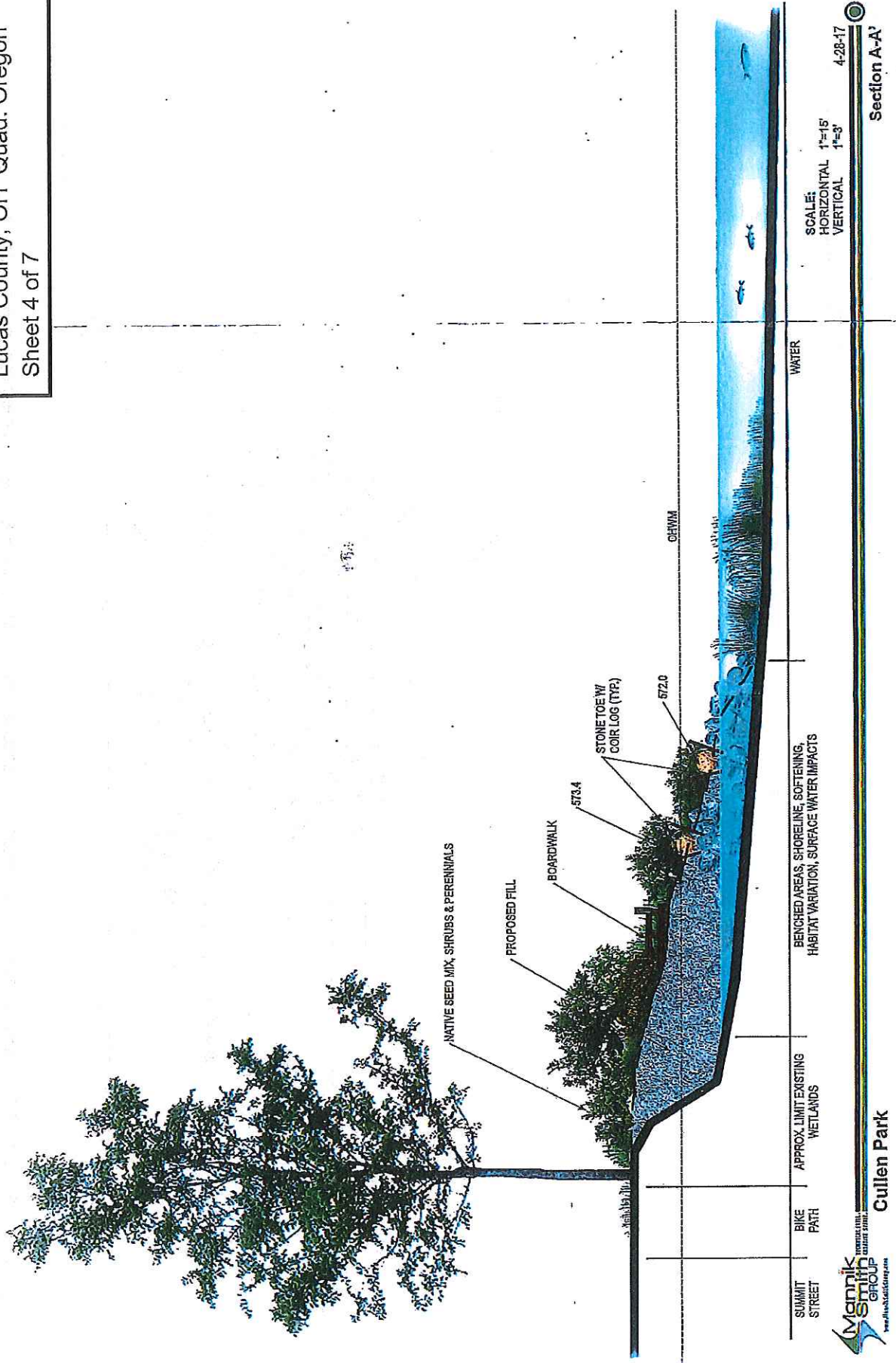
Figure 3: Surface Water Delineation
Wetland Restoration Design Project
Toledo, Ohio

Notes
The photography, dated April 2014, is provided by Anita Lopez, Lucas County Auditor, as part of the Lucas County GIS.

0 100 200 Feet



Toledo, City of - Cullen Park
 Wetland Enhancement/Creation
 D/A Processing No. LRB 2015-00436
 Lucas County, OH Quad: Oregon
 Sheet 4 of 7



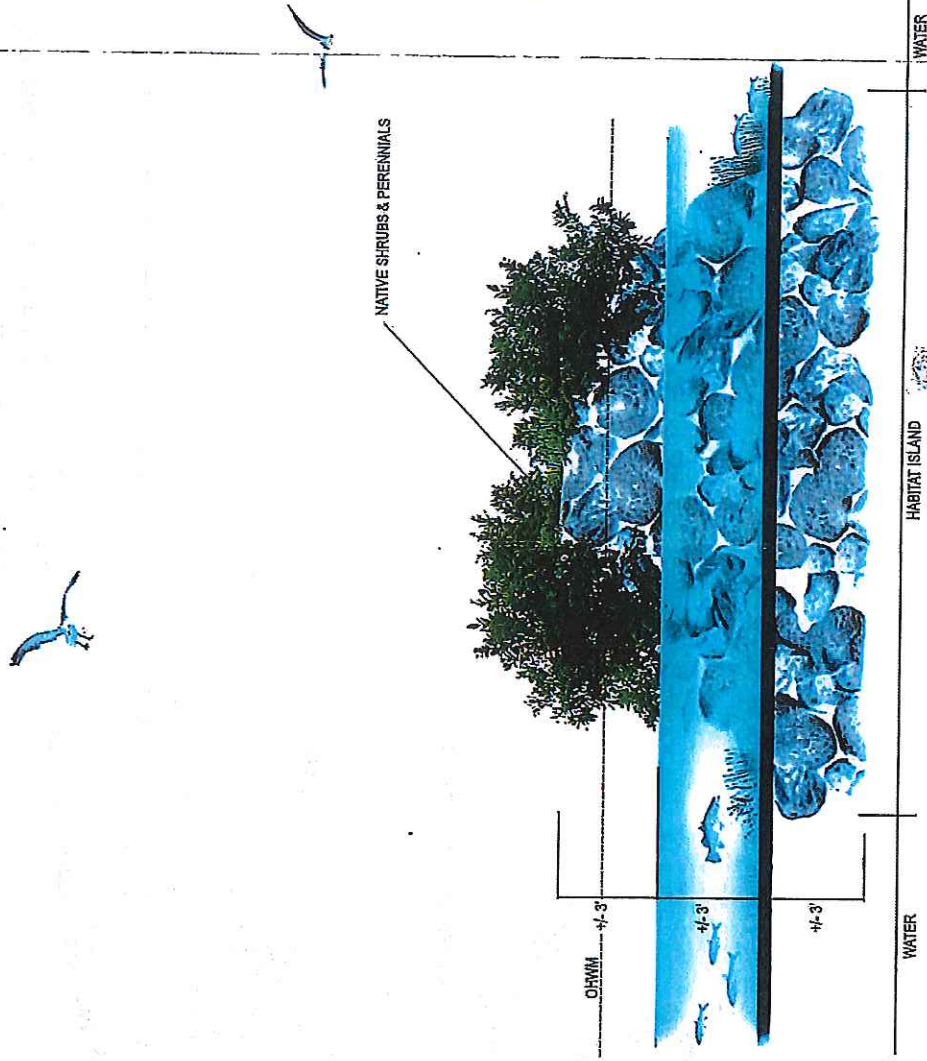
SCALE:
 HORIZONTAL 1"=15'
 VERTICAL 1"=3'

4-28-17

Section A-A'



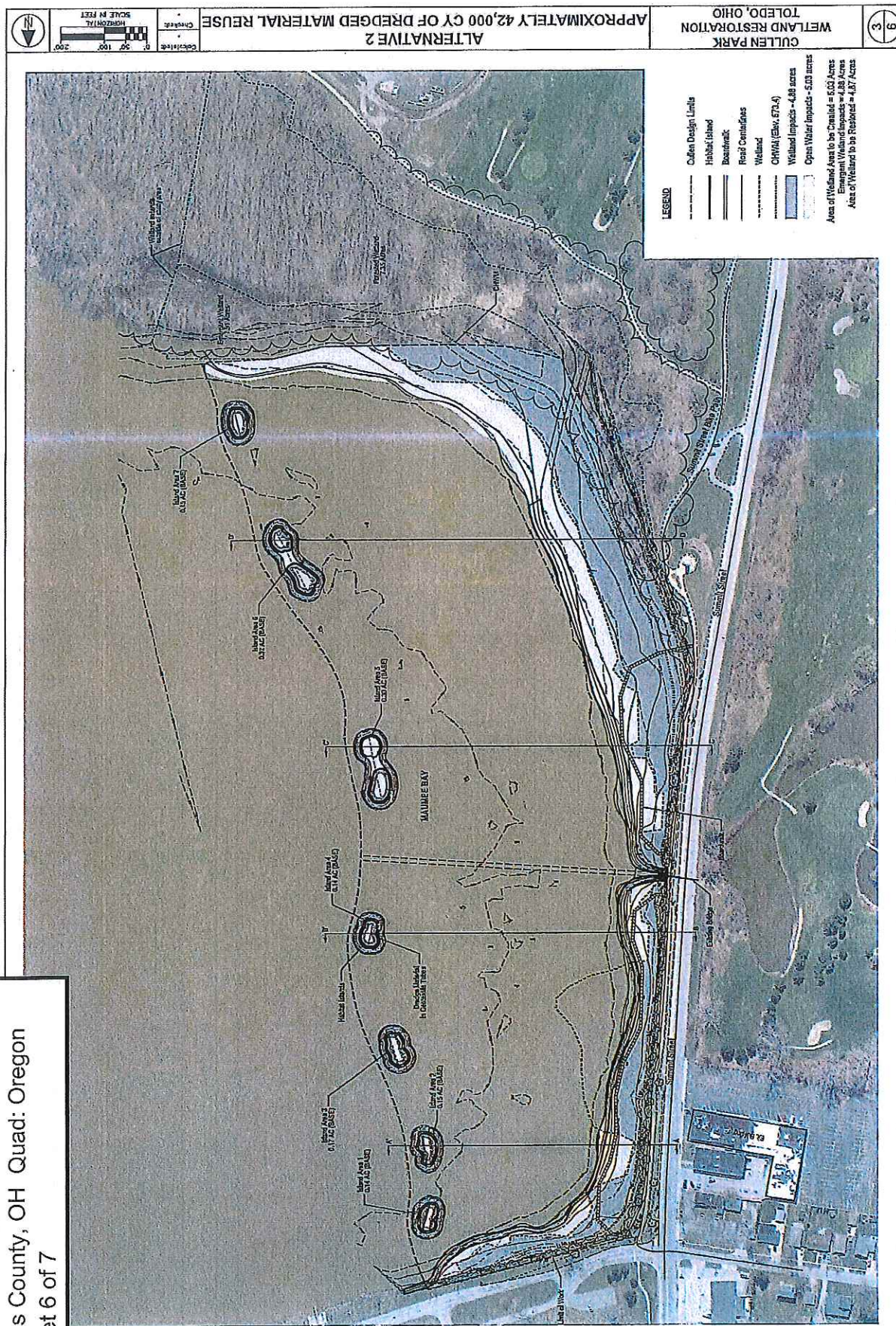
Toledo, City of - Cullen Park
 Wetland Enhancement/Creation
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 Lucas County, OH Quad: Oregon
 Sheet 5 of 7



SCALE:
 HORIZONTAL 1"=15'
 VERTICAL 1"=3'

4-28-17

Section A-A'



Sheet 7 of 7

